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REMARKS

Claims 23 is pending in this application.

On October 16, 2007 the under signed attorney had an in-person interview with Examiner Ramachandran and Supervisory Examiner Padmanabhan. The undersigned attorney wishes to thank the Examiners for that opportunity. The interview was cordial, informative and helpful in advancing the prosecution of this application.

Three issues were discussed in the interview. First, the undersigned attorney explained that the applicants are interested in pursuing claims directed to the class of compounds exemplified by claims 24 and 25. Based, in part, on the reasoning expressed by the Examiner in the Final Rejection dated August 9, 2007, applicants plan to pursue the subject matter in a Divisional application. The undersigned attorney wished to discuss these plans with the Examiner prior to cancelling the claims 24 and 25 in the pending application.

As stated by the Examiner in the Final Rejection in the first paragraph of page 2:

Since applicant has received an action on the merits for the originally presented invention Group II, claims 14-15, this invention has been constructively elected by the original presentation for prosecution on the merits. Accordingly, claims 24-25 are withdrawn from consideration as being directed to a non-elected invention. See 1.142(b).

As explained by the Examiner at the interview, after finding the elected species to be free of prior art, she broadened the search to compounds of Formula I wherein applicants definition X is choice (A), that is, "-C(O)-". The compounds of claims 24-25 are all compounds of formula I, wherein X is choice (B), that is "-C(O)-O-".

For these and other reasons, applicants will pursue the compounds of claims 24-25 in a Divisional application.

The second issue the undersigned attorney wished to discuss with the Examiner, is the status of applicants claims. At the top of page 2 of the Final Rejection, the Examiner states that "Claims 24-25 are withdrawn from consideration as the species elected by the examiner (species elected by the Applicants' is free of prior art) is found in prior art." Emphasis added.

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Regarding this sentence, the undersigned attorney sought clarification as to whether the elected species was deemed allowable, and if so, what else is allowable. The undersigned attorney explained that in order to advance the prosecution, he was prepared to cancel subject matter that is not deemed allowable. The Examiner explained that only the elected species was deemed allowable. Applicants have therefore cancelled all of the other claims. Applicants reserve the right to pursue cancelled and unclaimed subject matter in a continuing or divisional application.

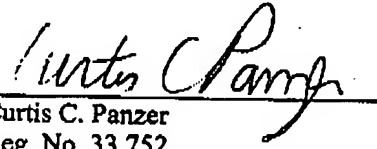
Third, the undersigned attorney questioned the finality of the Final Rejection. In the Office Action dated February 20, 2007, the Examiner rejected claims 14 and 15 as anticipated by Witzel 5,639,741. The Examiner described certain species she found in the Witzel reference, but in attempting to indicate where the species could be found in the reference, she inadvertently directed applicants to the wrong portion of the reference. As mentioned in Applicants Response of May 21, 2007, the undersigned attorney was unable to find the species in question and on May 17, 2007, he called the Examiner seeking assistance. Unfortunately, the Examiner did not correct the inadvertent error. For this reason, applicants felt that the latest Action should be regarded as incomplete and, in any event, should not have been a final action.

Applicants' arguments were considered, but rejected.

Having addressed all of the outstanding objections and rejections, applicants respectfully submit that the application is in condition for allowance and passage thereto is earnestly requested. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the application.

Respectfully submitted,

By


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